

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

ARCHER AND WHITE SALES, INC.,

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Archer filed this Motion one week after the Court entered its order governing the search terms to be applied to the agreed-upon custodians. (Dkt. No. 165 at 5–6). Archer asserts that it “discovered” and “learned” that these individuals have “highly relevant information within their files,” (Dkt. No. 197 at 1, 3), but does not identify with specificity why its discovery occurred at this late date and still after the Court had expended considerable time and attention on this very subject. Without greater justification—which has not been provided—the Court will not reopen this matter.

Archer also requests that the Court order Danaher produce employee performance review documents for “a select group of relevant witnesses in this case” “all of whom are either current employees.” (Dkt. No. 197 at 6). Danaher responds that “archer requests *all* employee review files for eleven employees on only the thinnest of justifications.” (Dkt. No. 214 at 6). The Court agrees that this appears to be an overly speculative request.

Accordingly, having considered the Motion, the Court is of the opinion that the Motion should be, and hereby is **DENIED**.

**So Ordered this**

Feb 20, 2018



RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE